

**SELECTMEN'S MEETING MINUTES**  
**September 8, 2009**

Members Present: Paul Feeney, Chairman  
Lynda Walsh, Vice Chairman  
Paul Mortenson, Clerk  
Lorraine Brue  
Larry Harrington

Others Present: Andy Gala, Town Manager  
Eric Nelson, 12 Alger Road, Interview  
James Marsh, 6 Bentwood Street, Interview  
Bob Swanson, Highway Superintendent  
Police Chief Edward O'Leary  
Attorney Paul DeRensis, Town Counsel

The meeting was brought to order at 7:00 p.m. by Paul Feeney, Chairman

**7:00 – Citizens Input** – Mary Ellen Bartick, 14 Winter Street, came before the Board to offer suggestions as to what could be done to relieve the truck traffic on Winter Street. She had brought this situation before the Board at their meeting on August 11<sup>th</sup>. Mary Ellen feels that one-way signs would be a good idea. She outlined the way trucks could arrive at their destination which would require a very sharp turn onto Elm Street without going along Winter Street. She understands why trucks want to avoid the center of Foxborough but the noise of trucks on her street is prohibitive.

Margie Oaks, 53 N. Carl Annon Ct., commended the Police, Highway and Water departments on how they managed the traffic on Baker Street while under construction. She said they were very helpful particularly to the HESSCO drivers. She had some comments on the repairs for the High School. Larry Harrington took a moment to explain that the repairs are not because the building is in disrepair but to bring the building up to code in many areas, install new weather efficient windows and in general to add many years to the life of the building.

Janet Sullivan Kennedy, 45 Cocasset Street asked for further explanation of the issues regarding the billing from Town Counsel. She feels there should be more checks and balances and someone should go over the bills more carefully or a computer program where unpaid bills would “pop up” as a notice. She also questioned the process used to hire the new Legal firm. Janet also questioned the policy for paying for trash pickup if people are out of town for a length of time. She asked if some sort of notice could be sent to residents who do not receive notices because they are out of town.

Another resident of Meadowview Rd., came before the Board seeking possible solutions to the issues discussed at the BOS meeting of August 25<sup>th</sup> in light of the football season about to start. He asked if there would be Public Hearing for possible solutions. He asked if there could be a police detail at Meadowview and North similar to that at Meadowview and Beach Street. Andy Gala pointed out that this would be an agenda item for the next meeting. Paul Feeney said he would contact Frank Barresi, a member of the Stadium Advisory Committee, as he is very familiar with the traffic issues there and could be very helpful.

**7:05 – Conservation Commission Candidate Interviews** – Paul Feeney explained that all candidates for appointment to the Conservation Commission had received correspondence regarding the interviews for this meeting. Two of the applicants were interviewed in May.

Eric Nelson, 12 Alger Rd., said that being a member of the Conservation Commission best fits his background and would give him a way to pay back to the community. He explained he had gone to meetings and volunteered to work on the Warner Trail, write up a report and present his findings at a September meeting of the Commission. He said he would also like to focus on a plan for open space as a way to balance new growth in the community. When asked what he could bring to the Commission, Eric said he observed that there are a lot of experienced people on the Commission but that he would bring a fresh out look at issues and he is always interested in new ideas and open dialog. He would be interested in being an alternate member if asked.

James W. Marsh, 6 Brentwood Street, a fairly new resident who plans to “be here” for a while, feels that the Conservation Commission would be a good way to become involved with the Town and that it fits with his background as an environmental lawyer. He has seen several areas that have piqued his interest such as the Neponset Reservoir, wet lands and vernal pools. As a member of the Commission he said he would do a number of things – meet with developers to discuss conservation issues, draft regulations when necessary and keep up to date with any issues that would come before the town relative to conservation. He would make sure the Town is protecting the assets it has. He would be interested in serving as an alternate member of the Commission.

Judy Johnson, member of the Conservation Commission, spoke on behalf of Eric Nelson commending him for being proactive, coming to meetings and volunteering to work on the Warner Trail. A discussion ensued regarding the position of alternate member of the Commission. Judy pointed out that the Commission has never had a problem where an alternate member would be needed. She feels that Bob Boette, Chairman, should be present when the need for an alternate is discussed. Paul Feeney said he would rather be pro-active rather than running into a problem in the future. Larry Harrington asked if there might be another resignation in the future and that having an alternate member

would give a that person an opportunity to create a relationship with other Commission members. He also pointed out that an alternate membership encourages people who might want to become a member giving one an opportunity get involved and form a relationship. Judy pointed out that Bob Boette is on vacation and that the Board should give him the courtesy to discuss this with him.

**7:45 – Cease & Desist Order** - Paul Feeney gave a brief background of this issue. He explained that at the meeting of August 25<sup>th</sup>, the Board voted unanimously to appoint Andy Gala, Bill Casbarra and Chief O’Leary as enforcement agents relative to the Earth Removal By-Law and it was voted to call a meeting to discuss the Cease & Desist Order. This meeting would also include Scott Barbato, 204 East Street and Bob Boette, Conservation Chairman. Paul said that meeting has not taken place because schedules of those included could not be arranged in time. Larry Harrington said that he is not comfortable ratifying the Cease & Desist Order without everyone being given the right to due process. He said once he has all the facts he would be prepared to go forward with this. Paul Feeney agreed that the Board needs to have all the facts. Lorraine Brue felt that the Board is not being asked to make a decision but only to ratify the Order. She asked if the activity in question is still going on and would a delay in ratifying the Order create a problem at this time. Andy Gala said he believes the activity has stopped and that is why he brought it before the Board as an Action item.

Larry Harrington brought forth another subject that he feels needs to be addressed by the Board. He asked if the lines of responsibility of the Town Manager under the Town Manager Act and the Board of Selectmen could be made clear in written form so there would be no confusion as to where responsibility lies for issues that arise. He feels this would be very helpful so that all could better understand the rules and responsibilities. Lorraine Brue pointed out the strategic planning list addresses this type of issue. She feels this type of list would be helpful so that the Board does not get into areas that are not under the purview of the Board.

A further discussion was held on scheduling time to discuss such a list and whether to include the discussion as part of the regular Board meeting, to allow 30 minutes or more for discussion on whether to have the issue put on the agenda for discussion that would include the public.

**ACTION:**

**Minutes:** The Minutes for the Board of Selectmen’s Meeting of August 25, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of August 25, 2009 as amended. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Extension of Liquor License Hours** – Received from Anastasia Tsoumbanos, Lake View Pavilion, a request to grant an extension for their Saturday and Sunday liquor license from 12:00 noon to 11:00 a.m.

Andy Gala explained that the liquor license for Lake View Pavilion is a different type of license from the licenses held by other venues. He said this request had been approved by other Boards as a non-conforming use of the property. He also pointed out that this would be in effect to the end of the calendar year. A brief discussion was held; members of the Board expressed their support of small businesses in Town.

Motion by Lynda Walsh to approve the extension of hours for the Lake View Pavilion from 12:00 Noon to 11:00 a.m. as requested. Seconded by Paul Mortenson. **Vote: 5-0-0**

**New Hackies License Application** – Received from El Hadi Addeche, 30 Wall Street, an application for a new Hackie’s License to drive for Foxboro Taxi. Andy Gala explained that Mr. Addeche is starting his own taxi service.

Motion by Paul Mortenson to approve the Application for a New Hackie’s License as submitted by El Hadi Addeche, 30 Wall Street, Foxborough. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Common Victuallers License Application** – Received from Sakis Mamouzellos an application for a Common Victuallers License for Pizza Time, 121 Main Street, Foxborough. A brief discussion was held.

Motion by Lynda Walsh to approve the application for a Common Victualler’s License as submitted by Sakis Manouzellos. Seconded by Larry Harrington.

**Vote: 5-0-0**

**Resignation – Board of Recreation** – Received from Debbie Giardino, Recreation Director, notice of the resignation of Beth Bayuk, Associate Board Member and a request to appoint Diana Griffen as an Associate Member of the Board of Recreation.

Motion by Lynda Walsh to accept the resignation of Beth Bayuk from the Board of Recreation and to approve the appointment of Diana Griffen as an Associate Member of the Board of Recreation as submitted by Debbie Giardino. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Resignation – Amtrak Electrification Program** – Received from Jack Martin, 66 Summer Street, notice of his resignation as the Foxborough

representative on the Amtrak Electrification Program upon the completion of the task as representative.

Motion by Larry Harrington to accept the resignation of Jack Martin from the Amtrak Electrification Program as requested in his letter dated August 23, 2009. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Wampanoag Road Runners** – Received from Roland Desrochers on behalf of the Wampanoag Road Runners a request to conduct the annual races through the Town of Foxborough. All the details were outlined in the letter dated August 28, 2009.

Motion by Larry Harrington to approve the request submitted by Roland Desrochers to conduct the Wampanoag races in the Town of Foxborough, scheduled for February 21, 2010, start time 11:00 a.m. Seconded by Paul Mortenson.

**Vote: 5-0-0**

**Tuition Reimbursement** – Received from Police Chief O’Leary a request for approval of tuition reimbursement for Officer Shawn McKay for course taken at Curry College in the amount of \$840.00 for one course. A brief discussion was held.

Motion by Larry Harrington to approve the tuition reimbursement in the amount of \$840.00 for Officer Shawn McKay as submitted by Chief O’Leary. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Winter Street Truck Exclusion** – Highway Superintendent was present to discuss his recommendations regarding the noise of truck traffic on Winter Street. This was an issue brought to the attention of the BOS by Mrs. Mary Ellen Bartick, a resident on Winter Street. A discussion was held. Bob Swanson addressed this issue in a memo to Andy Gala, dated Sept. 2, 2009. He pointed out that in order to exclude trucks from that street, an alternate truck route must be designated and would have to be approved by Mass Highway. He noted that the street had been recently paved and that should be helpful in decreasing the noise levels. The Board asked Andy Gala to reach out to the companies that send their trucks out onto Winter Street to ask that the drivers be more considerate of the residents.

**Pole Relocation** – Received from National Grid a request for a pole (#25) relocation at the entrance of a new subdivision at Mill Street Preserve II.

Motion by Larry Harrington to approve the request for relocating Pole #25 a distance of approximately 5 ft. at the entrance of a new subdivision at Mill Street Preserve II as submitted by National Grid.. Seconded by Paul Mortenson.

**Vote: 5-0-0**

**One-Day Beer & Wine License** – Received from Travis McCormack a request for a One-Day Beer and Wine License for a Good Scout Award Reception/Fundraiser to be held at the Orpheum Theatre.

Motion by Paul Mortenson to approve the request for a One-Day Beer and Wine license as submitted by Travis McCormick for the Good Scout Award Reception/Fundraiser scheduled for September 16, 2009. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Two One-Day Beer & Wine Licenses** – Received from J. Polep Distribution Services an application for two One-Day Beer and Wine Licenses for a Trade Show to be held at Christina's, 2 Washington St. Foxborough scheduled for September 16, 2009. A brief discussion was held.

Motion by Paul Mortenson to approve the application for two One-Day Wine and Malt Beverages License as submitted by J. Polep Distribution Services. Seconded by Larry Harrington. **Vote: 5-0-0**

**Town Council Invoices** – Received from Town Council an invoice for services rendered in the month of July, 2009 in the amount of \$6,506.26. Andy Gala contacted Attorney DeRensis regarding a meal charge that appeared on the invoice. A discussion ensued. Larry Harrington would like to have for future reference a more clear explanation of just what is or is not covered under the retainer fee.

Motion by Lynda Walsh to approve the invoice in the amount of \$6,506.26 from Town Council for the Month of July, 2009 as submitted. Seconded by Paul Mortenson. **Vote: 4-1-0** (Larry Harrington opposed)

**One-Day Beer and Wine License** – Received from Bill Cunningham, on behalf of Bay Colony Productions an application for a One-Day Beer and Wine License for Friday, September 18<sup>th</sup> and Thursday, September 24<sup>th</sup>. These are two separate events. A brief discussion was held.

Motion by Lynda Walsh to approve the applications for One-Day Beer and Wine Licenses as submitted by Bay Colony Productions for Friday, September 18, 2009, comedy night and for Thursday, September 24, 2009, 10-Year Anniversary Concert. Seconded by Larry Harrington. **Vote: 5-0-0**

## **NEW/OLD BUSINESS**

Andy Gala suggested Monday, November 3, 2009 as a date for the Special Town Meeting if the High School is available. Andy has not yet made a list of articles but said there could be some By-Law amendments, approval of streets and collection of over-due payments.

A brief discussion was held regarding possible solutions to the issue of traffic on Meadowview. Suggestions were made to put signs for “No Through Traffic” at Meadowview and North Streets, and “Do Not Enter” at Meadowview and Beach Streets and possibly put up physical barriers to keep traffic from using Meadowview as a cut-off. Paul Mortenson pointed out that the residents would like to be included in these discussions.

It was suggested to have a lawyer look at the zoning changes particularly regarding 40R development. Lynda Walsh suggested reaching out to David Brown, Zoning By-Law Review Committee, if there were any questions. Andy Gala said he had not received comments from the Planning Board as yet.

Motion by Paul Mortenson to ask Town Counsel to review and make general comments on the Zoning By-Law changes subject to Planning Board comments. Seconded by Paul Feeney. **Vote: 5-0-0**

Lorraine Brue said she would be sending out the print version of the “Hand Book” and asked Board members to review their schedules for upcoming strategic planning meetings. She has questions regarding by-laws related to the “Cease & Desist Order” as there seems to have been other times when by-laws have been violated.

Motion by Lynda Walsh to go into Executive Session to discuss security at Gillette Stadium, an update on the Cable License Renewal Negotiations and review and release Executive Session Minutes and to exit from Executive Session for the sole purpose of adjournment. Seconded by Paul Feeney.

<b>Vote: 5-0-0</b>	Paul Feeney, Chairman	Yes	
	Lynda Walsh, Vice chairman	Yes	
	Paul Mortenson, Clerk	Yes	
	Lorraine Brue		Yes
	Larry Harrington	Yes	

Meeting adjourned at 10:30 p.m.

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Paul Mortenson, Clerk